

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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In re: Bair Hugger Forced Air Warming  
Devices Product Liability Litigation.

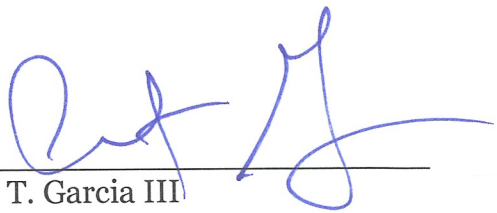
MDL No. 15-2666 (JNE/DTS)

This Document Relates to:  
ALL ACTIONS

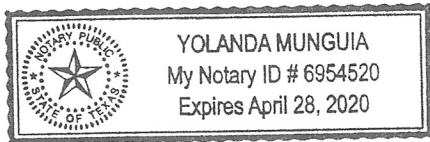
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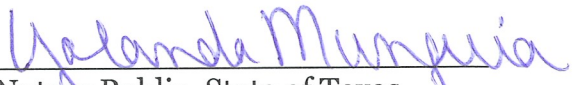
**AFFIDAVIT OF ALBERTO T. GARCIA III**

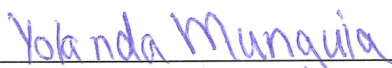
1. My name is Alberto T. Garcia III. I am over the age of 18, of sound mind and all the facts stated herein are within my personal knowledge and are true and correct.
2. I am an attorney licensed in the State of Texas. I am lead counsel for John Petitta in a case styled, Cause No. C-5130-16-A; *Petitta v. 3M Company et. al.*; pending in the 92<sup>nd</sup> Judicial District Court, Hidalgo County, Texas. This action was filed in November of 2016.
3. I am not now, nor have I ever been counsel in the *In re: Bair Hugger Forced Air Warming* MDL. I represent no Plaintiffs in this MDL. As such, I do not have access to any documents that have been produced under a protective order in that case.
4. I have reviewed the sealed version of 3M's Motion for Contempt filed in the MDL. It contains factual representations that are inaccurate.
5. 3M has yet to produce any documents it deems confidential in the *Petitta* matter. In fact, 3M has not produced even a non-confidential document. It has produced nothing. The assertion in 3M's Motion for Contempt that it does not need to be compelled to produce its confidential documents in the *Petitta* matter is not accurate. 3M responded to Plaintiff's discovery requests on March 3, 2019. The discovery requests included requests seeking documents produced in the MDL. To date, none of those documents have been produced. As lead counsel for Mr. Petitta, it is not useful to me that the MDL lawyers have the documents in a form that is not useable to my client or the experts retained in the *Petitta* matter.
6. 3M's allegations that "MDL Counsel shared the Bair Paws exhibit (or contents thereof) with co-counsel in the *Petitta* matter..." is completely false. MDL Counsel has never shown me the Bair Paws exhibit (or any other exhibits) nor have they shared the contents thereof. I do not know what the 'Bair Paws' exhibit is, and I have not received or reviewed anything called a 'Bair Paws' exhibit.

  
Alberto T. Garcia III

SWORN TO AND SUBSCRIBED before me on the 10<sup>th</sup> day of June, 2019.



  
Notary Public, State of Texas

  
Notary's printed name:

My commission Expires: 04-28-20